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Via E-filing and Email: chambersnysdseibel@nysd.uscourts.gov

The Honorable Cathy Seibel
United States District Court
for the Southern District of New York
The Hon. Charles L. Brieant Jr. Federal Building
and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

**Re: The Wave Studio, LLC v. General Hotel Management Ltd., et al.
Case No. 7:13-cv-09239-CS-PED**

**The Wave Studio, LLC v. American Express Company
Case No. 7:15-cv-03420-CS**

Dear Judge Seibel:

This firm is counsel for Defendant General Hotel Management Ltd. ("GHM") in the case *The Wave Studio, LLC v. General Hotel Management Ltd. et. al.*, Case No. 7:13-cv-09239-CS-PED. Currently, this litigation is stayed as to all other defendants besides GHM.

Like Orbitz, Setai Owners LLC and TVL, GHM is an interested party in the consolidated case *The Wave Studio, LLC v. American Express Company* ("American Express"), Case No. 7:15-cv-03420-CS. American Express has sought indemnification with respect to the claims asserted against American Express from at least one of the hotels which GHM manages. It is additionally likely that American Express has sought or will seek indemnity from stayed defendants who have in turn sought or will seek indemnity from GHM or GHM's managed hotels.

GHM has carefully reviewed the Plaintiff's complaint against American Express, American Express' letter motion dated July 2, 2015 to Your Honor and Plaintiff's response dated July 17, 2015. As Your Honor is aware, the complaints are nearly identical, and relate to nearly identical photographs and registrations at issue in the litigation with GHM. Accordingly, GHM believes that the issues to be litigated in the American Express case are nearly identical to the issues as to the stayed defendants in its case. Should GHM succeed on the merits of the threshold issue – whether or not it had a right (either via an implied license or because GHM and/or its managed hotels are the rightful owners of the photographs that the Plaintiff's Singapore entities were commissioned to take) to use the allegedly infringed photographs (including distributing them to third parties) – Plaintiff's claims against the stayed defendants and American Express will essentially be moot.

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Accordingly, GHM is in agreement with American Express' position on the Motion to Stay and respectfully submits that both cases should be stayed as to all defendants aside from GHM to avoid the waste of judicial resources through duplicative litigations. We note that discovery between Wave and GHM is progressing under Magistrate Judge Davison's direction.

Respectfully submitted,

/s/ Howard J. Schwartz

Howard J. Schwartz

HJS:ajr
cc: All parties via ECF